

Exhibit 16

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Attorneys for Plaintiff Netlist, Inc.

12 UNITED STATES DISTRICT COURT
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14 NORTHERN DISTRICT OF CALIFORNIA
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16 SAN FRANCISCO DIVISION

17 NETLIST, INC.,
18 Plaintiff,
19 v.
20 GOOGLE LLC,
21 Defendant.

22 Case No. 3:09-CV-05718-RS

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**JOINT MOTION, STIPULATION, AND
[PROPOSED] ORDER AS MODIFIED
RE: STAY OF ACTION**

1 Pursuant to Civil Local Rule 7-12, Plaintiff Netlist Inc. (“Plaintiff”) and Defendant Google
2 LLC (“Defendant”), through their respective attorneys, hereby stipulate and move the Court as
3 follows:

4 WHEREAS, on June 3, 2022, Google filed a motion to stay this action until resolution of
5 *Samsung Electronics Co., Ltd. et al. v. Netlist, Inc.*, No. 1:21-cv-01453-RGA, pending in the
6 District of Delaware before Judge Richard G. Andrews (the “Delaware Action”) (Dkt. 292);

7 WHEREAS, on July 13, 2022, the Court granted-in-part Google’s motion to stay and
8 ordered that “the action shall be stayed for a period of 90 days” and “[t]he stay will expire at that
9 time unless a motion to extend the same is filed prior to its expiration” (Dkt. 325 at 17);

10 WHEREAS, on August 1, 2022, Judge Andrews entered an order dismissing, *inter alia*,
11 Samsung’s declaratory judgment claims against U.S. Patent No. 7,619,912 (the “’912 Patent”)
12 from the Delaware Action;

13 WHEREAS, on August 1, 2022, Netlist filed a complaint for infringement of the ’912
14 Patent against Samsung in the Eastern District of Texas, *Netlist, Inc. v. Samsung Elecs. Co., Ltd. et*
15 *al.*, No. 2:22-cv-00293-JRG (the “Texas Action”).

16 NOW THEREFORE, the parties jointly stipulate and move the Court to continue the stay of
17 this action until resolution of the Texas Action, including any appeal thereof.

18 IT IS SO STIPULATED.
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3 DATED: October 4, 2022

Respectfully submitted,
4 IRELL & MANELLA LLP

5 By /s/ Jason G. Sheasby
6 Jason G. Sheasby
7 Attorney for Plaintiff
Netlist, Inc.

8 DATED: October 4, 2022

9 Respectfully submitted,
10 QUINN EMANUEL URQUHART
11 & SULLIVAN

12 By /s/ David Perlson
13 David Perlson
14 Attorney for Defendant
15 Google LLC

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1 **ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(i)(3)**

2 I, David Perlson, attest that concurrence in the filing of this document has been obtained
3 from the other signatories. I declare under penalty of perjury that the foregoing is true and correct.

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6 By */s/ David Perlson*
7 David Perlson

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1 **[PROPOSED] ORDER AS MODIFIED BY THE COURT**

2 Pursuant to the parties' stipulation, and good cause appearing therefore, it is hereby ordered
3 that this action shall remain stayed pending resolution of *Netlist, Inc. v. Samsung Elecs. Co., Ltd.*,
4 *et al.*, No. 2:22-cv-00293-JRG (the "Samsung action"), including any appeal thereof. The Clerk
5 shall administratively close this action. Within 30 days of the conclusion of the Samsung action
6 (including any appeal thereof), the parties shall file a joint statement providing notice of the same
7 and indicating whether this action should be reopened. If the parties fail to file a joint statement as
8 ordered, the action will be deemed dismissed without prejudice. The Case Management
9 Conference scheduled for November 3, 2022 is vacated.

10 **IT IS SO ORDERED.**

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12 Dated: October 17, 2022



13 Honorable Richard Seeborg
14 United States Chief District Judge

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